

**THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**ELAINE AND VICTOR SWANGER,
as parents and legal guardians of
B.J.S., and B.J.S.,**

Plaintiffs,

v.

**WARRIOR RUN
SCHOOL DISTRICT, et al.,**

Defendants.

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**4:11-CV-894
(JUDGE MARIANI)**

ORDER


AND NOW THIS 2ND DAY OF OCTOBER, 2018, upon consideration of the Motion for Summary Judgment by Defendants Diversified Treatment Alternatives and Alvin Weaver ("Mental Health Defendants") (Doc. 198) and all accompanying briefs and exhibits, **IT IS HEREBY ORDERED THAT:**

1. The Mental Health Defendants' Motion for Summary Judgment (Doc. 198) is

GRANTED IN PART AND DENIED IN PART:

- a. Mental Health Defendants' Motion is **GRANTED** with respect to Plaintiffs' Negligence Claim against the Mental Health Defendants (Count VIII). Judgment is hereby entered **IN FAVOR OF DEFENDANTS** Diversified Treatment Alternatives and Alvin Weaver and **AGAINST PLAINTIFFS** on Count VIII.
- b. Mental Health Defendants' Motion is **DENIED** with respect to Plaintiffs' Section 1983 Claim against the Mental Health Defendants (Count IX).

2. A date and time for a telephone conference for trial-scheduling purposes will be issued by separate order.



Robert D. Mariani
United States District Judge